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CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA

BY _____ DEPUTY

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HAKKASAN LV, LLC, a Nevada
limited liability company,
HAKKASAN LIMITED, a foreign
private limited company,

Plaintiffs,

v.

EZ LEASE PROPERTY
MANAGEMENT, LLC, also known as
EZ LEASE PROPERTYS, a Nevada
limited liability company,

Defendant.

Case No.: 2:14-cv-00798-APG-GWF

**~~PROPOSED~~ ORDER GRANTING
MOTION FOR PRELIMINARY
INJUNCTION**

This matter having come before the Honorable Andrew P. Gordon on June 2, 2014, Laraine M.I. Burrell, of the law firm of Greenberg Traurig, LLP, appearing on behalf of Plaintiffs Hakkasan LV, LLC ("Hakkasan LV") and Hakkasan Limited ("Hakkasan Parent," and together with Hakkasan LV, the "Plaintiffs") and no appearance being made on behalf of Defendant EZ Lease Property Management, LLC, also known as EZ Lease Propertys ("Defendant"), and good cause appearing therefore, this Court hereby finds and orders as follows:

1. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338.

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2. The Court has personal jurisdiction over Defendant in that Defendant is a domestic limited liability company organized and existing under the laws of the State of Nevada, Defendant operates several websites on the Internet that are accessible to residents of the State of Nevada, and Defendant committed tortious acts that it knew or should have known would cause injury to Plaintiffs in the State of Nevada.

3. Defendants were served on May 27, 2014 by electronic mail in accordance with Rules 4 and 5 of the Federal Rules of Civil Procedure and pursuant to the order of this Court with the complaint in this action, summons, Plaintiffs' Application for Temporary Restraining Order and Motion for Preliminary Injunction and Temporary Restraining Order entered by this Court on May 22, 2014.

4. Plaintiffs, in compliance with the order of this Court, filed a bond in the amount of one hundred and no/100 dollars (\$100.00) on May 29, 2014.

5. Hakkasan LV, a Nevada limited liability company, is an indirect wholly owned subsidiary of Hakkasan Parent, a foreign private limited company that is qualified to do business in the state of Nevada. Hakkasan LV owns and operates Hakkasan, a premier nightclub and restaurant venue located inside the MGM Grand Hotel and Casino on the Las Vegas strip ("Hakkasan Las Vegas"). Hakkasan Parent also owns and/or operates, either directly or through its subsidiary companies, several other Hakkasan restaurants around the globe, including Dubai, London, New York, San Francisco and Miami. Furthermore, MGM and Hakkasan Parent have very recently formed a Joint Venture to develop new non-gaming resorts. MGM and Hakkasan Parent have an agreement for handling domain names containing both entities' trademarks, and either entity is entitled to control these domain names and enforce such rights.

6. Hakkasan Parent owns the mark HAKKASAN in connection with, among other things, restaurant, bar and nightclub services. In particular, Hakkasan Parent owns federal trademark registrations (U.S. Reg. Nos. 3,789,248 and 4,458,604) for HAKKASAN for, among other things, bar and restaurant services, nightclubs, and nightclub services, and pending trademark applications (U.S. Ser. Nos. 86/183953, 86/183947, and 86/183935) for entertainment services, retail store services, clothing, and related goods and services (the "HAKKASAN Marks"). Hakkasan LV is a

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1 licensee of the HAKKASAN Marks in connection with its ownership and operation of Hakkasan Las
 2 Vegas.

3 7. Plaintiffs have made extensive use of the HAKKASAN Marks on, among other
 4 things, signage, billboards and promotional materials.

5 8. Based on its federal trademark registrations, pending federal trademark applications
 6 and extensive use, Hakkasan Parent owns the exclusive right to use its HAKKASAN Marks in
 7 connection with restaurant, bar, nightclub and related goods and services. As a licensee of the
 8 HAKKASAN Marks and pursuant to an agreement between the parties, Hakkasan LV is entitled to
 9 the exclusive right to use the HAKKASAN Marks in Las Vegas, Nevada in connection with
 10 Hakkasan Las Vegas for restaurant, bar and nightclub services and is entitled to enforce its rights
 11 against Defendant.

12 9. The uniqueness of Hakkasan Las Vegas, along with the extensive advertising and
 13 promotion of Hakkasan Las Vegas have resulted in the HAKKASAN name and mark being
 14 distinctive and famous for bar, restaurant and nightclub services.

15 10. Defendant has used the HAKKASAN Marks as part of its Internet domain names
 16 <mgmgrandhakkasan.com>, <mgmhakkasannightclub.com>, and
 17 <mgmgrandhakkasannightclub.com> (the "Infringing Domain Names) without Plaintiffs' authority
 18 or permission.

19 11. Plaintiffs will suffer irreparable injury if the Court does not require the registrar of the
 20 Infringing Domain Names, Register.com (the "Registrar") to lock the Infringing Domain Names and
 21 transfer them to Plaintiffs pending litigation of this matter.

22 12. Plaintiffs have demonstrated a likelihood of success on the merits of their
 23 cybersquatting claims against Defendant under the Lanham Act, 15 U.S.C. § 1125(d).

24 13. Plaintiffs have demonstrated likelihood of success on the merits of their trademark
 25 infringement claims against Defendant under the Lanham Act, 15 U.S.C. § 1114, and Nevada law.

26 14. Plaintiffs have demonstrated likelihood of success on the merits of their unfair
 27 competition claims against Defendant under the Lanham act, 15 U.S.C. § 1125(a).

28 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion for a

1 Preliminary Injunction is hereby GRANTED.

2 IT IS FURTHER ORDERED that, pursuant to 15 U.S.C. § 1125(d)(1), the domain names
3 <mgmgrandhakkasan.com>, <mgmgrandhakkasannightclub.com>, and
4 <mgmhakkasannightclub.com> shall remain locked by Register.com and/or its successor registrars
5 and in the possession of Plaintiffs, as ordered by this Court in the temporary restraining order dated
6 May 22, 2014, throughout the pendency of this litigation;

7 IT IS FURTHER ORDERED that the Registrar and/or its successor registrars remove all
8 existing domain name server (DNS) entries and corresponding addresses, and enter the Registrar's
9 default domain name server and address entries to prevent further damage caused by the infringing
10 use of the Infringing Domain Names.

11 IT IS FURTHER ORDERED that Defendant will immediately cease and desist any and all
12 use of the HAKKASAN name and mark and any and all variants thereof, including use of the
13 Infringing Domain Names and any and all variants thereof;

14 IT IS FURTHER ORDERED that Defendant shall file, pursuant to 15 U.S.C. § 1116(a), with
15 this Court and serve upon Plaintiffs within thirty (30) days after entry of this order, a report in
16 writing under oath setting in detail the manner and form in which Defendant has complied with this
17 Court's order; and

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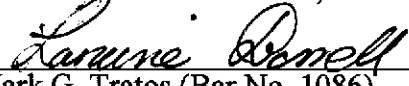
1 IT IS FURTHER ORDERED that the bond posted with this Court in the amount of one
2 hundred and no/100 dollars (\$100.00) shall be applied to this preliminary injunction.
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5 
UNITED STATES DISTRICT JUDGE

6 Date and
7 Time: June 2, 2014 at 8:45 AM

8 Respectfully submitted by:

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10 GREENBERG TRAURIG, LLP

11 
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